G. R. S. IX-5]

Previous references.

CS 18-14
CS 370-14
CS 6-15
CS 58-15
~~*Later references.*~~
CS 127-15

1916.17
(Courts)

CS File No. 13-16

Serial Nos. 1-5

Preserve
AM 8/10/38

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-5

Part B for Oct 16.

SUBJECT.

Appointment of Mr S. Ramachandra Sastry as Ag Dy Registrar.

---

5. To the Registrar CS. Ct. — No 31453
28.10.16.

Forwards copy of notifn on the above subject and states that no one who is not qualified should be allowed as Dy Registrar or Munsiff.

W D 89—GPB—50,000—24-7-16

(For disposal at the next meeting)

No. C. 614

12. 8. 1916.

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause xiv of the Schedule)

Proposal of the Chief Court to appoint Mr. S. Ramachandra Sastry B.A., LL.B., as acting Deputy Registrar.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

D. M. Narasinga Rao

Secretary to Government.

12th August 1916.

Extraordinary Member of Council. 15.8.16. 16/V

First Member of Council. 14.8. 14/V

Second Member of Council. Opinion recorded.

WD 2012—GPB—1 000—9-2-16

G. R. S. 11] 1916.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 13-16

FILE HEADING.

Appointment of Mr S. Ramachandra Sastry as Acting Dy Registrar of the Chief Court.

From

The Registrar - Chief Court

No. C.56-16-17 Dated 3/6 July 1916 Received 10 July 1916

Diary No. 54	Enclos. - Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that Mr Shame Gowda was permitted to retire from service from 1st July 1916 and that subject to the sanction of Govt Mr S. Ramachandra Sastry has been appointed to act as Dy Registrar and requests sanction thereto

NOTES AND ORDERS.

Second Members Note on the Tappal Abstract "Put up early". Dated K.S.C. 7-7-16.

Mr Ramachandra Sastry is not holding a substantive appointment in Govt service. He was appointed in the year 1914 as pro-tem Head Munshi of the

NOTES—First Sheet.

G. R. S. 12]

General and Revenue Secretariat. | C/S File No. 13 of 1916.

Serial No.

Shimoga DC Court and was taken to the Chief Court as an acting Clerk on 30-4-16. The latter appointment has not yet been sanctioned by Govt..

2) Under Subsections (1) and (2) of Sec 7 of the Chief Court Regulation the appointment of a Dy Registrar is subject (1) to the rules and restrictions prescribed by Govt. and (2) to the sanction of Govt.. The rule issued in June 1915 requires the appointment to be made from those who are already in service as Munsiffs or are qualified to be appointed as Munsiffs. As Mr Ramachandra Sastry has not passed ~~to have failed in~~ the Rev (Higher) and Registrars tests this year he is not qualified to be appointed as Munsiff. The present recommendation is therefore open to objection.—

3) Subs for orders.

10.7.16

Second member)

4) Invite attention to Rule 1 and to the qualifications prescribed for Dy R. Sastri satisfies these conditions.

15-7-16

NOTE—Contn. sheet.

54

3)

G. R. S. 12]

General and Revenue Secretariat. | C/o File No. 13 of 1916.

Serial No.	
	5) Draft put up.
	15/7/16
	6) Issue
2.	To the Registrar, Chief Court, No J 273 dt 18-7-1916.
	Invites attention to certain rules and enquires if Mr Ramachandra Sastry satisfies the conditions prescribed therein
3.	From the same officer No 8. on 56 dt 26-7-1916.
	States that he is fully qualified for the post except for the passing of the Rev. and Regis. tests and requests, for reasons given, that his nomination may be approved subject to his passing the tests in May next.
	7) The reasons given are:-
	1. It is undesirable to select from the Bar for a short vacancy.
	2. Mr Sastry is the Senior law graduate in the judicial Deptt.
	3. His nomination as Ag Munsiff on ⊙ 5 occasions (was approved) the duration in one case being three months.
	1. The appointment of Dy. Registrar is not open to the bar. (vide Rule 1 flag R)
	2. There are qualified law graddrates in other Deptts senior to Mr Sastry.
	3. The occasions ⊙ arose when very short leave was urgently required by Munsiffs. No other arrangement was possible. His acting for three months was not anticipated. It was due to delay in Govt appointing a Munsiff for Narasimharajapura Court.

SWA

⊙ Files put up D, E, K, H, T

NOTE—Contn. sheet.

GPH 50,000 17.12.15

G. R. S. 12]

General and Revenue Secretariat. | Cl2 File No. 13 of 1916.

Serial No.		
	4. The subjects formed part of the course for the LLB examination which he has passed	4. There is no exemption in favour of LL.B. graduates The Mysore Land Revenue Code &c is not prescribed for the LL.B.
	5. He was prevented from studying for the last examination an account of special office work.	5. The work was apparently done during office hours. The summer vacation commenced a month before the examination.
	6. Experience of Chief Court office work gives him an advantage over a candidate from the Bar.	6. He is in the Chief Court only for about 7 months, from Dec last.
	7. It is desirable that he should correct the proofs of the Digest and assist the Registrar in completing the work.	7. There is nothing to preclude him from doing all this in another capacity
	8) The Deputy Registrar's duties are purely ministerial. It is respectfully submitted that it may be considered if the claims of fully qualified officials who have served for a much longer period than 11 years may not be given preference. Of the 8 appointments made in the last two years 3 went to officials of the judicial Deptt., & 5 to Advocates.	
	9) Govt requested the Chief Court to obtain lists of eligible officials in other Deptts and to take	

* Sec 8 of the Ch. Ct Regn I of 1884 Vol II Mysore Code Page 7

This is a matter for the Chief Court to make where the Rules are silent.

NOTE—Contn. sheet.

G. R. S. 12]

General and Revenue Secretariat. | cls File No. 13 of 1916.

Serial No.

S.O no J 4159-206 9
cls 41-14-5
4th June 1916. H

take them into consideration when making nominations. It is not stated that suitable persons are not available, or that there are sufficient grounds for not selecting ~~one~~ if there is one and that Mr Sastry had therefore to be nominated.

(Ext of Mr. Sreekantiah Gowda)

11) The vacancy may possibly, if not probably, become permanent.

Subd.
R 28.7.16
29

11) The rules were only recently framed, and are apparently very express in their terms. They were framed after consulting the Judges of the Chief Court. The rule requires that a Dt Registrar shall be appointed from those who are already in Service as Munsiffs or are qualified to be appointed as Munsiffs the candidate proposed is not in Service as a Munsiff, and admittedly is not qualified to be appointed as a Munsiff. Unless the Rules are changed, the appointment seems opposed to the existing Rules which have the force of law.

12) Submitted for orders
EB
29/7

Secretary

13) I agree with the Assistant Secretary. Proposals for confirmation of acting Munsiffs have not been put-

NOTE—Contn. sheet.

GPB—70,000—17-12-15

G. R. S. 12]

General and Revenue Secretariat. | 6ts File No. 13 of 1916.

Serial No.

forward for the orders of Govt. The selection of a candidate
ng from among the officials of the judicial dept is
opposed to the spirit of the standing orders: vide G.O.
X No. J 4159/206 & 7145 dated 4th June 1915. As the rules
were recently framed, the question of any long standing
practice to the contrary hardly arises in this case.

Dewan Rao

(second member)

31/7

14) ~~A preliminary enquiry should be held~~
~~may be needed as to whether there~~
are We must either approve
of the nomination, or veto it
and ask for a fresh nomination
from among those who are fully
qualified & are considered by
the Ch. Court to be fit for the acting
place.

15) There is also the suggestion
of the Judges that the Rule in regard
to the passing of tests need not be
enforced in the case of acting vacancies.

16) The matter may, if advised by
the Dewan, be discussed in
Council

5-8-16

Dewan of Cochin

Dewan) 17) The case may be considered at the
next meeting of Council.

12.8.16 RC

NOTE—Contn. sheet. 18)

c.f. as enclosure in next despatch 17/8

GPB—10,000—17-12-15

MEMO OF INTERVIEW WITH THE DEWAN. 7.

Friday, 11th May *1916.*

J Mis 224 of

Name of Interviewer— Mr M. D. Thirumalachar, Ag Munsiff, Bangal

Representation in brief—

He is an Advocate of 6 years' standing, practising at Mysore: Has acted 5 times as Munsiff in short vacancies. Has to revert on return of Mr Kanakaraj urs from leave. Is fully qualified. But juniors are being appointed to the judicial ~~appointments~~ Dept.

The latest instance is that of Mr Ramachendra Sastry who is proposed for the post of Mg. Dy. Registrar: Mr Thirumalachar's work is appreciated by Judges.

11/5

17) Says long vacancies are not given to him. I want to know how the matter stands. 11.8.16. LC

Secy.

A.S will kindly put up a tabular Statement of recent appts & proposals- comparative qualifications

Submitted

Serial No.	Nature of vacancy and date from which it occurred.	In what arrangement.	Name of officer holding the appointment.	Nature of appointment and date from which it is held	Remarks.
1	Permanent from 27-9-1914	Vice Mr. N. T. Gopaliengar confirmed as Sub-Judge.	Mr.B.Raghavachar must be taken against this vacancy which is the earliest.	Substantive and on probation from 25-5-1914.	Mr.Raghavachar was appointed against the vacancy -- caused by the transfer of Mr.B.Basavaradhya to Revenue Department but that permanent vacancy was given to Mr.H.M.Krishnaswami who was confirmed from 28-8-1914.
2	Temporary from 25-5-1914 Permanent from 25-11-1914	Vice Mr.N.Narasimha Iyengar on -- leave for six months and subsequently retired.	Mr. S.R.Ramaswami Iyer	Acting from 25-5-1914	
3	Temporary from 29-7-1914	Vice Mr.C.Srinivasa Iyer acting as Assistant Secretary.	Mr.H.K.Veerabasavaiya	Acting from 10-8-1914	
4	Temporary from 24-5-1915	Owing to the establishment of a temporary addi-	Mr. C. Abdul Ghani.	Acting from 24-5-1915.	

		Turtur.			
5	Permanent from 1-7-1915	Owing to the re-establishment of a Court at Narasimharajapura.	Mr.T.Singaravelu udaliar.	Acting from 22-11-1915	Mr.Vaidesvara Iyer has however been acting as unsiff of Narasimharajapura continuously from 1-7-1915, the date on which the Court started.
6	Temporary from 26- 8-1915	Vice Mr.Lakshminaranaiya appointed to act as Sub-Judge.	Mr.S.A.Vaideshvara Iyer	Appointed to act as Deputy Registrar in this vacancy.	
7	Temporary from 28-8-1915 Permanent from 22.8.1915	Vice Mr.M.L.Srikantesha Gowda under suspension			
8	Temporary from 3- 1-1916	Vice Mr.T.Krishna Iyengar appointed to act as Sub-Judge.	Mr.C.B.Raghabhushana Rao.	Acting from 3- 1-1916	
9	Temporary from 5- 6-1916	Vice Mr.S.Krishna Rao appointed to act as Sub-Judge.	Mr.M.D.Tirumalachar.	Acting from 5- 6-1916	

Permanent 21.8.16

Transfer of Mr Mahadevayya as Asst Comr.

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

19) A statement is perhaps desirable.

EB
17-8

20) See 9)

The further statement promised may also be put up. It is required today. Saw it to Dave
— 17/8
me whenever it may be.

21) A statement is submitted herewith. The file in which the question of appointing only those fully qualified is reported to have been submitted to this Secretariat in another connection from the Dewan's office. The confidential papers in the sealed cover in C.S. File 127-15 may perhaps contain references to this question. Mr Sivaraman Nadar had not passed all the tests when he was appointed.

EB
17-8

Sec 1)

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—50,000—5-8-15

Particulars of ~~appointments~~ held by Acting Munsiffs

Name	Acting appointment held	Date of taking over charge	Date of handing over charge
Mr. S. Ramachandra Sastri. B.A. 1910. LL.B. As the Bombay University Calendar is not available the date cannot be given	Munsiff. Sagar	25-7-1914	2-8-1914
	Munsiff. Shimoga	14-6-15	31-7-15
	Munsiff. Sagar	1-8-15	16-8-15
	Munsiff. Maddagiri	28-8-15	22-11-15
	2nd Munsiff. Bangalore	3-1-16	25-1-16.
Mr. M. S. Tirumalachar B.A. 1906. B.L. 1910	2nd Munsiff. Mysore	28-6-15	23-7-15
	1st do Mysore	15-9-15	13-10-15
	1st do do	26-10-15	18-11-15
	2nd Munsiff	1-3-16	16-3-16
	2nd Munsiff - Bangalore	5-5-16.	
Mr Abdul Gani B.A. 1908. B.L. 1912.	Munsiff. Hassan	23-11-14	23-12-14
	Munsiff. Doddaballapur	2-1-15	1-2-15
	Munsiff. Chickmagalur		
Mr. T. Singaravelu Mudr. B.A. 1905. B.L. 1911	Munsiff. Maddigiri	23-11-15.	

Extract from the Proceedings of the 397th Meeting of the Council of His Highness the Maharaja, held at Bangalore, on the 21st September 19 16.

13. SUBJECT.- (Clause v of the Schedule).

Proposal of the Chief Court for the confirmation of their order appointing Mr. S. Ramachandra Sastry, B.A., LL.B., as acting Deputy Registrar from the 1st July 1916 vice Mr. M.L.Shama Gowda, acting Deputy Registrar, retired.

OPINION OF THE COUNCIL.

22) The acting appointment being for a very short period may be approved.

23) No one who is not fully qualified as required by the rules should be appointed in future.

"EXTRACT"

D. M. Narasimha Rao 21/9

Secretary to Government,
General Department.

WD—156—GPB—1,000—19-7-16.

G. R. S. 12]

General and Revenue Secretariat.

C/o File No. 13 of 1916.

Serial No. 24)

A draft Final note is put up.

Desai 27/9

First member)

1147
29.9.16

25) Typed final note signed by the 1st member is put up.

M
29/9/16

25) A D S.N is also put up.

Desai 1/10

Dewan)

1912
2.10.16

Final Note by the First Member of Council.

Subject:—

Question of the appointment of Mr.S.Ramachandra Sastry, B.A,L.L.B, as acting Deputy Registrar.

× Paper under disposal

27) The judges of the Chief Court have× appointed Mr.S.Ramachandra Sastry, B.A., LL.B. , an acting clerk in their office on Rs.80-4-100, to act as Deputy Registrar of that Court with effect from the 1st July 1916 on the retirement of Mr.M.L.Shamegowda and have reported the appointment to Government for approval.

× R 28) 2. According to the rules× of 5th June 1915 prescribed under section 7 of the Mysore Chief Court Regulation, the appointment of Deputy Registrar should be made from among those who are already in service as Munsiffs or are qualified to be appointed as Munsiffs. Mr.Ramachandra Sastry, however, is not fully qualified for this appointment, having yet to pass two of the Local Service Examinations prescribed for Munsiffs viz., Revenue (higher) and Registration. The Chief Court also do not, in making this appointment, appear to have taken into account, as required by the Government× order of 4th June 1915, the lists of officials of other departments eligible for the place.

× X

× J 29) 3. The Chief Court consider× that the passing of the prescribed tests should be insisted on as necessary only for permanent appointments and they support the preference shown to Mr.Ramachandra Sastry on the ground among others, that he has previously acted as a Munsiff on five occasions.

× Page 11 of office notes 30) 4. The Council have considered× the matter and are

are inclined to think that the action of the Chief Court is not strictly in conformity with the recent standing orders referred to in paragraph 2 above. They are, however, of opinion that the acting appointment in the present instance, being for a very short period, may be approved, and that no one who is not fully qualified as required by the rules should in future be appointed to the charge of a Munsiff, whether temporarily or permanently.

3) 5. The Chief Court may be informed of the above resolution of the Council.

Mercantile

29 Sept-
1916

Submitted to His Highness.

× 2

× Paper under disposal

32) I submit herewith a Final× Note by the First Member of Council on the question of the× appointment of Mr. S. Ramachandra Sastry, B.A., LL.B., by the Chief Court, as acting Deputy Registrar.

× copy of file note.

33) 2. The proposal to inform the Chief Court in accordance with the views× of the Council may be -- graciously approved.

M. Visvesvaraya —

19th April 1916 —

1882

C. 614

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Proposal regarding the appointment of Mr.S.Ramachendra Sastry, B.A., LL.B., as Acting Deputy Registrar of the Chief Court.

377

Order.

34) ~~KRMR~~
21/10/16

529/10.11

Lawley
22.10.16

31)

J 218

G. R. S. 12]

General and Revenue Secretariat.

CS File No. 13 of 1916.

Serial No.

36) Two proofs put up.

28-10-16

37) Maybe approved

28/10

Secy

Approved Duce

28/10

4 To the compiler — Issue today

Fort St. George Gazette,

28/10

no J 1452 28-10-1916

Notifies the appointment of Mr. S. Ramachandrasastri as acting Deputy Registrar.

5 To the Registrar, High Court —

no J 1453 28-10-1916

Forwards copy of the above and intimates that no candidate who is not fully qualified should in future be appointed as either Munsiff or Dy Registrar

C.54
1916-17

Chief Court of Mysore,

Bangalore, dated the 3rd July 1916.

6th

DIARY No. J.54

1916-17

Chief Court 13-16

From

N.T.Gopaliengar, Esq., B.A., L.. B.,

Registrar of the Chief Court of Mysore.

To

D.M.Narasinga Rao, Esq., B.A., B.L.,

Secretary to the Government of Mysore,

General Department.

S i r

Adverting to Government Proceedings No: J.3061-2/Cts. 195-15-2 dated the 5th February 1916 according sanction to the retirement from service of Mr. M.L. Shama Gowda, acting Deputy Registrar, I am directed to state that that officer was permitted to retire from service from the 1st instant and that the Judges have, subject to the sanction of Government, appointed Mr. S. Rama chandra Sastry, B.A., LL. B., clerk on Rs 30-4-100 in this Court, as acting Deputy Registrar. This officer has acted as Munsiff for short periods on five occasions, was for some time acting as Head Munshi in the court of the District Judge of Shimoga and has acted in the Chief Court from 1st December 1915 to 30th June 1916.

I am to request that Government may be pleased to accord early sanction to the said appointment.

I have the honour to be,

S i r ,

Your most obedient servant,

N. Gopaliengar

REGISTRAR.

H.C.C.

G. R. S. 26]

Courts File No. 13-16

Serial No. 2

197

Diary No. of letter replied to 54

No. J273

General and Revenue Secretariat

( )

, *the* 191 .

To

The Registrar, Chief Court.

Sir

Date of issue 18.7.1916.

Signed by Mr. G. Sreenivasaraju

With reference to your letter C.568 dated 3rd/6th July, 1916, requesting sanction to the appointment of Mr S. Ramachandra Sastry, as Ag. Dy. Registrar of the Ch. Ct. I am directed to invite attention to rule 1 of the rules contained in Govt notifn No J 4223 | Legis 23-14-3 dated 5th June 1915 and to the qualifications prescribed for Munsiffs in the Local Service Examination Rules and to enquire if Mr Ramachandrasastri

over.

SUBJECT.

Ref: on S.C. No. 56

III
27/7/16
Secy

CHIEF COURT OF MYSORE,
BANGALORE.

Dated 26th July 1916. 9848.

[illegible]
1916-17)
[illegible] cl8
[illegible] 13-16

From

N. T. GOPALIENGAR, Esquire, B.A., LL.B.,
Registrar of the Chief Court of Mysore.

To

D. M. NARASINGA RAO, Esquire, B.A., B.L.,
Secretary to the Government of Mysore,
General Department.

S i r,

Adverting to your letter No. J.273/Cts.13-16-2 dated the 18th Instant, inviting attention of this Court to Rule 1 of the rules contained in Government Notification No. J. 4223/Legis. 23-14-3 dated the 5th June 1915, and enquiring whether Mr. Ramachandra Sastry satisfies the condition laid down in the above rule, for being nominated as acting Deputy Registrar of this Court, I am directed to state that the nominee who is a Law Graduate is qualified for the post except that he has to pass the local Revenue (Higher) and Registration tests before being recommended for confirmation.

There are already eight acting munsiffs at present excluding Mr. Ramachandra Sastry. It is not known which of these acting men will be confirmed and who will have to go out ∅ if the permanent incumbents should revert to their permanent appointments. In consideration of this circumstance it was not deemed

desirable

desirable to make a selection of a ninth acting munsiff from the members of the Bar for short vacancies without prejudice to their practice.

Among the Law Graduates that are now employed in ministerial appointments of the Judicial Department Mr. Ramachandra Sastry happens to be the senior drawing the highest pay. He has acted five times as Munsiff for short periods, the period in Maddagiri being three months. Quite recently he was nominated to act at Seringapatam and it was approved of by the Government. The duration of the acting appointment which he holds at present cannot be determined with any degree of certainty and in the event of its having to continue for a somewhat longer period than expected he will be required to pass the two local tests (Revenue and Registration) before May next failing which he will cease to hold his acting appointment.

I am however to state that even these subjects formed part of the LL.B. examination of the Bombay University which he has passed. He had applied to be examined in these subjects last May but was prevented from studying for the examinations by reason of his having been directed to correct and rewrite the headings of the decided cases for the Digest of the Mysore Law and Chief Court Reports. But for this inconvenience he might have also passed in these subjects in the local examinations. Mr. Ramachandra Sastry has been employed in the Chief Court from the date of his reversion from Maddagiri and has gathered experience in the Chief Court office work which will enable him to do better as Deputy Registrar than a candidate fresh from the Bar. Moreover since Mr. Ramachandra Sastry has been employed on the Digest work for some time and the proofs of that

work have now begun to come in, it is desirable that he should correct the proofs and assist the Registrar in the completion of that work.

I am also to state that the Judges are of opinion that the Rule requiring nominees for munsiffs' posts to pass the Revenue, Registration and Account tests need not be enforced when they are appointed for acting vacancies as in the case of Probationary Assistant Commissioners, but should be insisted upon when they are recommended for confirmation. This practice has been adopted hitherto and has not been found to be disadvantageous. I am therefore to request that the nomination of Mr. Ramachandra Sastry may be approved of subject to the condition already stated.

I have the honour to be,

Sir,

Your most obedient servant,

REGISTRAR.

SR

Encl: Draft
Notifying the appointment of Mr. S. Ramachandra Sastry as Sp. Dist. Judge

G. R. S. 26]

File No. 13-16
Serial No. 4

Diary No. of letter replied to .....

No. 1452
Notification

General and Revenue Secretariat

( )

, *the* 191 .

To

Mr S. Ramachandra Sastry B. A., LL.B., was appointed to act as Registrar of the Chief Court with effect from 1st July 1916.

B. O.

Date of issue 28/10/16

Signed by Mr Dn Nazeer

Rep

Dated 28/10

28/10
for Sec'y

To

The Compiler, Mysore Gazette.

(Not to be typed Extra Copy required)

(Copy to the Registrar Ch. Ct.)

over.

SUBJECT.

Ntc 28/10/16

Two drafts

Informing the Ch. Cl. that one who is not qualified, should be appointed to the cadre of a Sheristadar

G. R. S. 26]

Cl's File No. 13-16

Serial No. 5

Diary No. of letter replied to .....

No. J 1453 ~~1111~~

Encl 1

General and Revenue Secretariat

( )

, *the* 191 .

To

The Registrar, Ch. Ct.

Sir.

Date of issue 28/10/16

Signed by ~~Mr. Du Narasaya~~ Boo.

To be supplied before issue.

Mr. G. Srinivasa Iyer

I am directed to forward copy of letter No J 1452/Ch 13-16-4 dy and to state that the appointment of Mr S. Ramachandra Sastry as Dy Registrar was sanctioned as a special case being only for a short period.

2

With reference to the last para of S.C. J letter No 56 dy 26th July 1916 I am to intimate that no candidate who is not duly qualified as required by the rules should in future, be appointed to

over.

SUBJECT.

as Asst Remembrancer Dy Reg
~~charge of a~~ Memorial, ~~whether~~ either
permanently or temporarily.

Thanks &c.

Gs 28/10 Drew
Fr Yorke 28/10

9/L
25/10/16

List of enclosures

Copied by

Examined by

G1/B—20,000—10-10- 4